

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MICHELLE MAINA,

Plaintiff,

-against-

SOMERSET COUNTY JAIL, ET AL.,

Defendants.

23-CV-10783 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated February 5, 2024, the Court severed Plaintiff's claims arising in New Jersey against defendants located in New Jersey, transferred those severed claims to the United States District Court for the District of New Jersey, and granted Plaintiff 60 days' leave to file an amended complaint with respect to her claims arising in the Southern District of New York. (ECF 6.) That order specified that failure to file an amended complaint would result in dismissal of the complaint. Plaintiff has not filed an amended complaint. Accordingly, the complaint, filed *in forma pauperis* ("IFP") under 28 U.S.C. § 1915(a)(1), is dismissed for failure to state a claim on which relief may be granted. *See* 28 U.S.C. § 1915(e)(2)(B)(ii).

CONCLUSION

The Court dismisses the complaint for failure to state a claim on which relief may be granted. *See* 28 U.S.C. § 1915(e)(2)(B)(ii).

The Court declines to exercise supplemental jurisdiction of any state law claims Plaintiff may be asserting. *See* 28 U.S.C. § 1367(c)(3).

The Court denies Plaintiff's application for the Court to request *pro bono* counsel as moot. (ECF 10.)

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf.*

Coppedge v. United States, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Clerk of Court is directed to enter judgement dismissing this action for the reasons stated in the Court's order to amend (ECF 6) and this order.

SO ORDERED.

Dated: April 23, 2024
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge